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the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

SPECIFIC GROUPS AND INDIVIDUALS: (B) MINORITIES

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Letter dated 5 February 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office in Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, annexed hereto, the "Conclusions of the Assembly of the Republic of Serbia"* of 4 February 1999 regarding the current issues of solving the problems in Kosovo and Metohija, threats of NATO aggression against the Federal Republic of Yugoslavia and the Contact Group conclusions concerning the negotiations to be held in France as of 6 February 1999. I would like to ask you to have it issued as an official document of the fifty-fifth session of the Commission on Human Rights under items 9, 14 (b) and 16 of the provisional agenda.

(signed): Branko Branković
Chargé d'affaires a.i.

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* The annex is reproduced as received in the language of submission only.

Annex

CONCLUSIONS OF THE ASSEMBLY OF THE REPUBLIC OF SERBIA OF 4 FEBRUARY 1999

The National Assembly of the Republic of Serbia, at its meeting held on 4 February 1999, discussed the current issues of resolving the problems in Kosovo and Metohija, NATO threats of aggression against our country, the Conclusions of the Contact Group of 29 January this year and the invitation of the Contact Group for participation in talks in France on 6 February 1999, and has adopted the following

CONCLUSIONS

1. The National Assembly condemns in strongest terms the threats of NATO against our country and people. The threats are totally contrary to the proclaimed positions of the international community that it is committed to a peaceful solution of the problems in Kosovo and Metohija and represent an open support to separatists and terrorists.

2. The conduct of NATO represents an open threat of aggression against sovereignty and territorial integrity of the FR of Yugoslavia, as an independent State, one of the founders and a UN Member State, which is a violation of the principles of the Charter of the United Nations, particularly Article 2, para 4 of the UN Charter.

3. NATO is a regional military organization and in Article 53, para 1 of the UN Charter it is expressly stated that no regional arrangements or regional agencies can utilize any enforcement action without the authorization of the Security Council. The UN Security Council has not authorized NATO to undertake enforcement measures against the FR of Yugoslavia and the NATO threat therefore represents a direct violation of the Charter of the United Nations and a threat to the sovereignty and territorial integrity of our country.

4. The National Assembly assess that with such conduct NATO acts in violation of the basic principles of the international relations, the very foundations of the international order and represents a threat to the international peace and security.

5. The FR of Yugoslavia pursues an open policy of peace, good-neighbourliness and equitable cooperation with all countries and organizations accepting such cooperation, it does not pose a threat to anyone nor is there a threat from its territory to anyone. Consistently adhering to the policy of resolving all open questions in a peaceful manner, the FR of Yugoslavia represents a factor of peace and stability in the region. We shall resolutely defend our legitimate State and national interests, above all, the sovereignty and territorial integrity of the country, in accordance with the principles of the Charter of the United Nations, Helsinki Final Act and the Paris Charter.

6. The National Assembly of the Republic of Serbia emphasizes that in the case of aggression against our country, we shall defend the sovereignty and territorial integrity, freedom, independence, lives and property of our citizens - by all available means. We are resolute and united in defending our homeland.

II

1. The Republic of Serbia remains committed to a peaceful political resolution of the problems in Kosovo and Metohija. We are determined to seek ways to resolve the problems through dialogue, while respecting territorial integrity and sovereignty of our country, by ensuring full equality of all citizens and all national communities living in Kosmet.

2. By issuing invitations to negotiations, the Contact Group is knocking at an open door. Serbia and the FR of Yugoslavia have proven that they are committed to the political solution and that they do all they can in order that it be reached in dialogue among all national communities from Kosovo and Metohija.

3. While emphasizing its commitment to peaceful and political solution of the current problems in Kosovo and Metohija, the National Assembly points to major, inadmissible and highly one-sided positions in the conclusions of the Contact Group, inappropriate in relation to a sovereign country.

4. While verbally supporting the sovereignty and territorial integrity of Serbia and the FR of Yugoslavia, at the same time proposals are put forward which threaten and question our sovereignty and integrity, proposing even confederal elements such as an obligatory consent of Kosmet for changes to Kosmet borders and declaration of martial law.

5. From the countries formally supporting the sovereignty and territorial integrity of Serbia and the FR of Yugoslavia at the same time come threats and millions of dollars in financial assistance, arms and equipment to terrorists.

6. It should be particularly condemned that a part of the international community, concerning an internal issue - the right of a State to defend itself from separatism and terrorism - should support the separatists and terrorists and equate a sovereign State with those who seek to destroy that State.

7. It is particularly unacceptable to equate the responsibility of the State organs with that of criminal groups, for the situation in Kosmet. The legal actions of the State authorities against terrorism cannot be termed repression against civilians, while terrorism in all forms - attacks, murders, kidnapping is termed - as provocations.

8. The international community has failed to grasp what the actions of the so called KLA, as a terrorist organization, are essentially about and does not take measures against it, as is the case when other terrorist organizations in the world are in question.

9. It is unacceptable to downplay the past efforts in seeking a solution by political means and endeavours to recall the agreement between the President of the FRY with the international community, expressed in the positions of the Government of 13 October 1998 and the Agreement with the OSCE of 18 October 1998 and the principles contained therein - that this is an internal issue of a sovereign State; that terrorism and separatism must end; that any solution has to be in line with the Constitution of the FRY and of the Republic of Serbia and that it cannot question the sovereignty and territorial integrity of our country.

10. The National Assembly emphasizes the democratic nature of the Joint proposal of the Agreement on the political framework of self-governance in Kosovo and Metohija of 20 November 1998, accepted by all Parliamentary parties in Serbia, as well as the Declaration from Pri{tina of 25 November 1998, signed by two political parties of Albanians, the representatives of the national communities of Muslims, Turks, Roma, Goranies and Egyptians as well as the representatives of Parliamentary parties from Kosovo and Metohija. It is inadmissible to ignore and discredit the existence of national communities and ethnic groups as well as to recognize the necessity for all national communities living in Kosovo and Metohija to be treated equally.

11. Concerning the demand that "the parties accept the level and nature of international presence deemed appropriate by the international community", the National Assembly wishes to note: the level and nature of the international presence in Kosmet has been ultimately defined in the Agreement between the President of the FRY Slobodan Milosevic and Ambassador Richard Holbrooke and in the Agreement between the Federal Government and the OSCE on the establishment of the OSCE Verification mission in Kosmet in accordance with it.

12. The National Assembly is extremely surprised at the request that "the federal and republican legal frameworks be harmonized with Kosmet interim agreement" since this defies the logic and principles of the constitutional law and would represent a legal and constitutional precedent whereby a broader community would have to adjust to a part of a smaller community.

13. To reduce the rights of other national communities in solutions for Kosmet to some sort of cultural rights is a discrimination and opens up the possibility that concrete solutions be used by the Albanian national community to overrule others, thus directly violating the principles of equality and introducing the existence of first and second class citizens.

14. The National Assembly points out that any demand for a "substantial" or "high degree" self-governance for Kosmet - not only in further negotiations cannot lead to independent Kosovo and Metohija, or a status of a third federal unit, but that this autonomy cannot imply the severance of legal, political and economic ties within the Republic of Serbia.

15. The National Assembly indicates that the so called interim status of Kosmet cannot be either hidden or explicit road towards separatism but a possibility for the signatories to examine the Agreement, after a number of years with a view to promoting its implementation and reviewing the proposals of any signatory for additional measures whose adoption will require the consent of all signatories.

III

1. The National Assembly of the Republic of Serbia emphasizes that the State organs of the Republic of Serbia and the FR of Yugoslavia have done and do all they can to reach a political solution. We fully respect the signed agreements. The OSCE Verification mission in Kosmet has been established to monitor and impartially inform the international community of the situation on the ground. Serbia has nothing to hide in defending its citizens and its territory from separatists and terrorists - verifiers and international community have been granted full and unimpeded access to all parts of Kosovo and Metohija and enabled to monitor the entire situation.

2. The FR of Yugoslavia, as an independent and sovereign State, pursues a policy of peace and peaceful cooperation, it does not threaten anyone or pose a threat to anyone from its territory. In accordance with the above principles, the FR of Yugoslavia stands ready to resolve all open questions by peaceful and political means and to resolutely defend its legitimate State and national interests, particularly sovereignty and territorial integrity in accordance with the Charter of the United Nations.

IV

1. The National Assembly again emphasizes that the cause of the crisis in Kosovo and Metohija is long-standing Albanian separatism, with the ultimate goal of seceding Kosovo and Metohija from Serbia and Yugoslavia. Terrorism has become the ultimate stage of Albanian separatism.

2. This is the major obstacle to the achievement of a political solution. All efforts, offers and good will of the State for them to engage in political dialogue and look for solutions together with others, have been met by the refusal and obstruction of Albanian separatist parties and their leaders. Such position on their part fuelled and encouraged the continuation of the crimes of terrorist gangs. They abused the fact that our State respected the Agreement as well as the presence of the OSCE Verification mission and continued with their crimes.

3. The Republic of Albania has been openly and directly in the function of Albanian separatism and terrorism. Albania has turned into a terrorist State - a base for terrorists and fundamentalists, a centre for training, arming, financing and all other support to their criminal goals towards the FR of Yugoslavia and other countries in the region.

4. A part of the international community has not by a single act unreservedly condemned separatism and terrorism. They have done nothing to prevent the Republic of Albania from being a logistics base of terrorists and separatists in Kosovo and Metohija. The Organization for Security and Cooperation in Europe has not managed even in three months to complete a 2,000-member mission in Kosmet and has not been fully equipped to impartially and accurately inform the international community and international organizations of the true situation on the ground. The fact of the matter is that since the signing of the Agreement and the arrival of verifiers, the terrorism escalated.

5. A part of the international community has all along pursued a policy of double standards preventing any, even the mildest attempt of condemning terrorist gangs by the UN Security Council. Such conduct on the part of the international community actually represents support, assistance and encouragement to separatists and terrorists.

6. By fabricated and inaccurate assessments that the military and police use excessive force, they try to prevent the legitimate forces from defending the people and the State in responding to terrorist acts in an appropriate manner, as the military and police in all countries in the world do in combating this scourge. This is an attempt to reverse the position harmonized with the international community explicitly stating that "state authorities retain the right to respond appropriately to any form of terrorist activities and violation of the law which may endanger the lives and security of citizens and law enforcement authorities".

V

1. Kosovo and Metohija is an internal issue of Serbia which can be resolved only through dialogue of those subjects whose position it affects. Kosovo and Metohija cannot be removed from Serbia. It has been there for centuries and it is the only place it can be in. Kosovo and Metohija is not a testing ground for military and political doctrines in the wake of fabricated charges of the alleged violation of minority and ethnic rights. Kosmet is not under protectorate nor is it a reserve for some new geo-political configurations - Serbia is not giving any grounds for new ultimatums, even if they are made today in the name of human rights and democracy and other lofty goals which serve nothing but to mask hegemonism.

2. The National Assembly of Serbia once again reaffirms the principles on the basis of which the crisis in Kosovo and Metohija can be resolved successfully, durably and in the interest of all. These are:

- political means and dialogue as the only way to achieve a peaceful and democratic solution of the crisis in Kosovo and Metohija;
- full respect of territorial integrity and sovereignty of Serbia and the FR of Yugoslavia;
- full equality of all citizens, all national communities and ethnic groups in Kosovo and Metohija, without possibility of anyone being overruled;
- solutions harmonized with the Constitutions of Serbia and the FR of Yugoslavia and the international standards in the field of human, civil and the rights of persons belonging to national communities;
- Kosovo and Metohija cannot be granted the status of a republic, but self-governance in line with the highest international standards within Serbia and the FR of Yugoslavia;
- we do not accept any measure which would change territorial integrity and sovereignty or attempt to secede Kosmet from Serbia;
- we do not accept the presence of foreign soldiers in our territory under any pretext of implementing the achieved agreement;

VI

Concerning the invitation of the Contact Group for talks on the problems in Kosovo and Metohija, in France on 6 February 1999, addressed to the Government of the Republic of Serbia:

1. The National Assembly of the Republic of Serbia has decided to accept the invitation for talks because it is a firm commitment of the people and all political parties to fight for peace and because we need to defend Kosovo and Metohija in any place in the world wherever Kosmet may be discussed. By accepting these talks we make another step forward to contribute to resolving the problems in a peaceful manner.

2. The National Assembly hereby authorizes the Government to designate the delegation which will take part in these talks.